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EXAMINER

VENT, JAMIE J

ART UNIT	PAPER NUMBER
2621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/836,378	<b>Applicant(s)</b> YAP ET AL.	
	<b>Examiner</b> Jamie Vent	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

On pages 8-9 applicant argues that Bellamy fails to disclose the following limitation “a memory for storing selected available content and a plurality of selectable status parameters indicating functionality of said digital video recorder the parameters including at least one parameter relating to the recording function of the digital video recorder” as recited in Claim 1. It is noted in Figure 1 that a set top box is shown wherein storage capabilities are either present in the DRAM or the storage medium. Information such as program information, pop-up information, user information, and information regarding system are all acceptable parameters that are used to operate the system as well as to record program information. The program and parameter information can be recorded/reproduced on the recording medium for playback and recording operations. Furthermore, it is recited in Column 8 Lines 53+ that the set top box can include a recording function and thereby a recording medium for storing of parameters. Although, all of applicants points are understood the examiner cannot agree and the rejection is maintained.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 4, 13, 19, and 20 are rejected under 35 U.S.C. 102(b) as being unpatentable by Bellamy (US 6,209,025).

**[claim 1]**

In regard to Claim 1, Bellamy discloses a digital video recorder, comprising:

- at least one tuner for receiving available content (Figure 1 shows a system with a set top box comprising of a tuner for receiving content as further described in Column 3 Lines 17-42);
- a memory for storing selected available content and a plurality of selectable status parameters indicating functionality of said digital video recorder the parameters including at least one parameter relating to the recording function of the digital recorder (Figure 1 shows a set top box which has DRAM for storage capabilities as further described in Column 4 Lines 50-64 and additionally in Column 8 Lines 53+ discloses the set top box has the capability of recording programs and thereby becomes a digital recorder);
- a telephone answering device for receiving voice signals and caller ID signals representing a telephone message from a caller and converting the voice signals and caller ID signals into digital signals (Figure 1 shows the telephone answering service and caller id wherein the audio signals are converted into signals for entering into the system as further described in Column 3 Lines 18-41); and

- at least one processor for performing at least one of a plurality of operations on the available content received from said at least one tuner, for directing storage of the digital signals to a storage device and controlling playback of the stored digital signals of the telephone message to be output at a display device operatively connected to the digital video recorder, and controlling a display of said plurality of status parameters based on received commands to access said memory, so as display at least a selected one of the plurality of status parameters (Figure 2 shows a microprocessor which processing content received into the system, as well as the storage of telephone signals as further described Column 5 Lines 5-15).

**[claim 2]**

In regard to Claim 2, Bellamy discloses a digital video recorder wherein said at least one tuner includes one tuner (Figure 1 shows a set top box which has DRAM for storage capabilities as further described in Column 4 Lines 50-64 and thereby comprising a digital video recorder with a tuner).

**[claim 4]**

In regard to Claim 4, Bellamy discloses a digital video recorder, wherein said at least one processor (Figure 2 shows a microprocessor which processing content received into the system as described Column 5 Lines 5-15).

**[claim 13]**

In regard to Claim 13, Bellamy discloses a digital video recorder wherein a user

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manipulates designated keys or buttons of a remote control device with designated key or button corresponding to each of said selectable plurality of status parameters, and wherein the manipulated key or button causes the correspondingly selected status parameter to be displayed on a display device operatively connected to the digital video recorder (Figure 1 enhanced remote 3 which has designated buttons corresponding to various parameters for operating the digital content as further described in Column 4 Lines 7-16).

**[claim 19]**

In regard to Claim 19, Bellamy discloses a digital video recorder wherein the received telephone message is displayed as a text message on a display device (Column 6 Lines 60+ describes the telephone message/caller id and the displaying of the information onto the screen for the user to decide what action should be taken for the call. It is further described in Column 7 Lines 26-35 the system receiving a telephone message and thereby displaying the text message through the pop-up menu on the tv display.)

**[claim 20]**

In regard to Claim 20, Bellamy discloses a digital video recorder wherein said at least one processor controls display of a telephone answering device main menu for selection of at least one of a plurality of parameters of the telephone answering device based on reception of a command to display the telephone answering device main menu by a user (Column 7 Lines 1-35 describes the process of the user selecting desired options of the incoming calls as well as messaging of the calls and thereby displaying the appropriate command to be displayed based on user selection).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3,5,6,7,10,11,15,16,17,and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Bellamy (US 6,209,025) in view of Browne (WO 92/22983).

**[claim 3]**

In regard to Claim 3, Bellamy discloses a digital video recorder wherein said at least one tuner is available (Figure 1, shows a system with a set top box comprising of a tuner for receiving content as further described in Column 3 Lines 17-42); however fails to disclose that there are multiple tuners. Browne discloses a system wherein various tuners are available as seen in Figure 1 inputs 101a-101h and further described on Page 6 Lines 1-10. Therefore, it would have been obvious to one of ordinary skill in the art to use the digital video recorder, as disclosed by Bellamy, and incorporate a system wherein multiple tuners are available, as disclosed by Browne, thereby providing various inputs into the system from various media sources (i.e. cable, satellite, etc).

**[claim 5]**

In regard to Claim 5, Bellamy discloses a digital video recorder with one processor; however, fails to disclose that the system includes multiple processors, at least one for real time functions and at least one for non-real time functions. Browne discloses a system with various processors as seen in Figure 1 showing the various processors and

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controllers used for real time functions (i.e. recording) and non-real time functions (i.e. programming) as further described on Page 7. The multiple processors allows the system to properly process all information in a more concise and accurate way than a system with just one single processor. Therefore, it would be obvious to one of ordinary skill in the art to use the digital video recorder, as disclosed by Bellamy, and further incorporate a system with multiple processors, as disclosed by Browne, to allow for a faster processing system.

**[claim 6]**

In regard to Claim 6, Bellamy discloses a digital video recorder; however, fails to disclose the systems' processor permits selection of at least one recorded event from the available content, based on actor, actress, director, program title, key word, key phrase, tag information, synopsis, release date, critical review, related program, sequel, thumbnail, preview, or snippet. Browne shows a system wherein selection is based on various criteria as seen in Figure 6 and a further search is available through keyword searching as seen in Figure 11. The searching and selecting of the available content through various criteria allows for the user to easily search the content without much difficulty. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the digital video recorder, as disclosed by Bellamy, and further incorporate a search criteria for selection of available content, as disclosed by Browne.

**[claim 7]**



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In regard to Claim 7, Bellamy discloses a digital video recorder; however, fails to disclose that the processor displays a status of a program from the available content the user is watching. Browne discloses a system that allows the user to know various components of the system, such as the status of available as seen in Figure 6 and further described on page 6 Lines 20+. By providing information such as status of the available content allows more control of the system by the user as well as a more efficient recording method. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the digital video recorder, as disclosed by Bellamy, and further incorporate the displaying of the status of the available content the user is watching, as described by Browne.

**[claim 10]**

In regard to Claim 10, Bellamy discloses a digital video recorder; however, fails to disclose a processor permits a user to capture a snippet of digital audio/video from the available content. Browne discloses a system wherein pieces/snippets of digital audio/video are available to playback or record as further described on Page 28. The capturing of pieces/snippets of AV data allows for an easier editing process of the recorded data stream. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the digital video recorder, as disclosed by Bellamy, and incorporate a processor to capture snippets of digital AV data, as disclosed by Browne.

**[claim 11]**

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In regard to Claim 11, Bellamy discloses a digital video recorder; however, fails to disclose the one processor permits a user to rewind recording in an increment for playback of a portion of the available content. Browne discloses a system which allows the user to control the AV data through rewinding the content as seen in the control menu of Figure 14 and further described on Page 33. Thereby allowing the user more control of the AV data for editing, viewing, and recording purposes. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to use a digital video recorder, as disclosed by Bellamy, and incorporate the feature of rewinding during playback, as disclosed by Browne.

**[claims 15, 16 & 17]**

In regard to Claims 15, 16, and 17, Bellamy discloses a digital video recorder; however, fails to disclose a plurality of selectable status parameters is a disk gas gauge feature indicating how much of a mass storage device operatively, approximate minutes available for recording, connected to the digital video recorder is consumed by recorded material. Browne discloses a selectable status features wherein allows the user to determine various components such as the available memory to record as seen in Figure 3 element 305. The gauge allows the user to determine how much content can be recorded with the remaining space through a rectangle gauge. Although, the gauge is rectangular the examiner notes a "disk gas gauge" feature is simply a design choice for the information to be displayed visually to the user and therefore the gauge as seen in Figure 3 meets the limitation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the digital video recorder, as

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disclosed by Bellamy, and incorporate a display that alerts the user the availability of storage space, as disclosed by Browne.

**[claim 18]**

In regard to Claim 18, Bellamy discloses a digital video recorder; however fails to disclose the plurality of selectable status parameters is an attributes list which directs the user to other status parameters for display and manipulation, said other status parameters including at least one of a date a program is recorded, a latest date that a stored program has been accessed, size of a recorded or live program, length of a live or recorded program, protect feature to prevent erasure of a recorded program, save options designating how much of a program is to be recorded and/or how long of a time a program is to be stored before being erased, and implementation of a hidden file feature to prevent titles of certain programs from being displayed on a program guide list. Browne discloses a system wherein a list directs the user through the status of the recorded program as seen in Figure 6. These options allow for the user to access the system in an easy manner to determine the various options such as when the program was recorded, if it was viewed, and how much recording space is available. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to use a digital video recorder, as disclosed by Bellamy, and incorporate a system wherein the user can view various components about the recorded medium, as disclosed by Browne.

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3. Claims 8,9,12,and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Bellamy (US 6,209,025) in view of Vallone et al (US 6,642,939).

**[claim 8]**

In regard to Claim 8, Bellamy discloses a digital video recorder; however, fails to disclose that a processor clears paused programming from the available content or converts paused programming to recorded programming during a channel change. Vallone et al discloses a system wherein content is recorded into the system and thereby allowing the user to pause, rewind, or fast forwarded the contents upon watching. Furthermore, during a pause command the program is paused when switching the channels as disclosed in Column 9 Lines 58+ though Column 10 Lines 1-10. Thereby the automatic pausing of video allows the user not to miss the content that is currently being viewed when a channel change occurs or another situation. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to use the digital video recorder system, as disclosed by Bellamy, and further incorporate a pause command during various user selections (ie channel change), as disclosed by Vallone et al.

**[claim 9]**

In regard to Claim 9, Bellamy discloses a digital video recorder; however, fails to disclose a processor that allows a user to record an entire program from the available content after viewing the program for a period of time. Vallone et al discloses a system wherein program data is stored in circular cache as seen in Figure 7. The circular cache allows for continuously recording of content until the circular cache is full and

thereby continues recording while deleting the oldest segment. Thereby the system allows a viewer to watch a portion of a program and then decide the option of recording. The viewer will capture from that point on as well as the part of the program that is currently being recorded in the circular cache as described in Column 19 Lines 28+. Furthermore, as seen in Figure 26 the timeline when highlighted green shows the recorded content and the amount of circular cache left for recording the segment before the selection of recording the entire program. The method of allowing the option to view a segment of the program before recording allows more flexibility to the user regarding recording options. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to use the a digital video recorder, as disclosed by Bellamy, and incorporate a system wherein the user can watch segments of the program before recording the entire program and still record the entire program, as disclosed by Vallone et al.

**[claim 12]**

In regard to Claim 12, Bellamy discloses a digital video recorder; however, fails to disclose that a processor enables a user to jump back from a live broadcast to a last paused video segment. Vallone et al discloses a system wherein two tuners are available and thereby allowing the viewer to view and record a live broadcast as well as watch a pre-recorded program as described in Column 16 Lines 34-47. The function of "jumping back" from live broadcast to the last pause segment allows the user full control over the system and contents and providing a complete system for the user to easily access live broadcast as well as pre-recorded broadcasts. Therefore, it would have

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been obvious to one of ordinary skill in the art at the time of the invention to use the digital video recorder, as disclosed by Bellamy, and further incorporate a system wherein a viewer can jump back and forth from live tv and a recorded program without losing the current position in the recorded program, as disclosed by Vallone et al.

**[claim 14]**

In regard to Claim 14, Bellamy discloses a digital video recorder; however, fails to disclose a plurality of selectable status parameters is a live/recorded status feature that displays whether a program being viewed is either live or recorded. Vallone et al discloses a system wherein the viewer can see through a program guide various aspects of the broadcast signal such as if the broadcast is live, recorded, date and time, title, etc, as seen in Figure 17 and described in Column 15 Lines 33-67. Thereby allowing the viewer to easily see various components regarding the content. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the digital video recorder, as disclosed by Bellamy, and incorporate a system which tells the viewer the content of the broadcast streams (ie recorded or live), as disclosed by Vallone et al.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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